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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,595	08/17/2007	David Minodier	4444-061	7469
23429 7590 11/12/2008 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER JOHN, BAGVAN CLARENCE				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/598,595

**Applicant(s)**

MINODIER ET AL.

**Examiner**

CLARENCE JOHN

**Art Unit**

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/17/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 9/5/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 and 11 recite, ... "determining the compatibility of the client with a predetermined access control protocol" ...
4. This "predetermined access control protocol" is vague and indefinite as it is not defined anywhere in the specification.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
6. Claim 12 recites "A computer readable medium ... carrying a computer program including instructions for enabling a computer...".
7. The examiner suggests the following change so that the claim would read, "A computer readable medium having stored thereon" ... because it appears from the claim that the computer readable medium typically embodies computer executable instructions though the specification does not explain anything whatsoever regarding this medium.
8. Therefore claim 12 is non-statutory under 35 U.S.C. 101 because they are directed to software *per se*, none of a process, machine, manufacture or composition of matter.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international

application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1- 9, 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Prasad et al. (US 7,197,125).

10. With respect to Claim 1, Prasad teaches a method of authenticating a client for access to at least one virtual network which allows the client to access the services of at least one service provider, the or each virtual network being set up on a telecommunication network, the method comprising:

11. determining the compatibility of the client with a predetermined access control protocol for access to the virtual network, (Column 2, lines 40-47, Column 7, lines 50-52 and Figure 2A blocks 2-001 through 2-004. Here the IP connection is established by the client after determining the compatibility);

12. if the client is not compatible with the predetermined access control protocol, authorizing data transfer between the client and at least one subscription system for subscribing the client to at least one service provider via an authentication network which is different from the or each virtual network which allows a client to access the services of the or each service provider, (Column 2, lines 35-54. Column 18, lines 36-42. Figure 5B. Figure 7 - ISP 726. Here, when the subscription of the client is modified, the client is not compatible with the network and data is transferred to the client by the authenticated network);

13. if the non-compatible client subscribes to at least one service provider via the authentication network, transferring to the non-compatible client an

authentication for accessing the virtual network which allows access to the services of the service provider to which the non-compatible client is subscribed and information which makes it possible to make the client compatible with the predetermined access control protocol. (Column 5, lines 59-67, Column 6, lines 1-2. Figure 1, Block 114. Here the non compatible client is authenticated to use the services of the service provider).

14. With respect to Claim 2, Prasad teaches a method according to Claim 1, wherein the authentication network is a virtual network or a network that is separate from the telecommunication network. (Column 17, lines 15-20. Figure 7. Networks 722 and 728).

15. With respect to Claim 3, Prasad teaches a method according to Claim 1, wherein the subscription system includes consists of at least one subscription portal, (Figure 1, block 104) an authentication material server (Figure 1, block 106) and, where-in response to the client subscribing subscribes to a service, (Figure 2A, block 2-009); the subscription portal transfers to an authentication server data associated with the authentication transferred to the client. (Figure 2A - blocks 2-001 to 2-004 and Figure 2B - block 2-015).

16. With respect to Claim 4, Prasad teaches a method according to Claim 3 wherein the client is connected to the network via a Digital Subscriber Line Access Multiplexer (Column 18, lines 24-29, Figure 7- block 718) and, if the client is compatible with the predetermined access control protocol the Digital Subscriber Line Access Multiplexer performs the steps of obtaining an identifier and a client authentication material (Column 17, lines 5-11, Column 8, lines 49-55. Figure 2A block 2006. Here the command selections to the processor include the steps of obtaining a username and authentication quality) and of obtaining a client authentication confirmation from the authentication server (Column 8, lines 11-17 and Figure 2A, blocks 2-003 and 2-004).

17. With respect to Claim 5, Prasad teaches a method according to Claim 4, wherein if the authentication server does not confirm the authentication of the client, the method comprises a step of authorizing data transfer between the client at least one subscription system for subscribing the client to at least one service provider via an authentication network which is different from the virtual networks which allow a client to access the services of at least one service provider. (Column 2, lines 35-54. Column 18, lines 36-42. Figure 5B. Figure 7 - ISP 726. Here, when the subscription of the client is modified, the client is not compatible with the network and data is transferred to the client by the authenticated network).

18. With respect to Claim 6, Prasad teaches a method according to Claim 3, wherein there is a transfer to the authentication service of information associated with the service provider to which the client is subscribed and/or information characterizing the service to which the client is subscribed. (Column 10, lines 4 – 29, Fig 2B - blocks 2-014 through 2-017. This shows the information to which the client is subscribed).
19. With respect to Claim 7, Prasad teaches a method according to Claim 6, wherein the authentication server additionally transfers to the Digital Subscriber Line Access Multiplexer the information, associated with the service provider to which the client is a client and/or the information relating to the service or services to which the client is subscribed. (Figure 2A blocks 2-006 through 2-011 and Figure 2B blocks 2-012 through 2-017 and Figure 4A blocks 4-007 through 4-009. Here the authentication server transfers all information to the service provider to which the client is subscribed).
20. With respect to Claim 8, Prasad teaches a method according to Claim 7, wherein the Digital Subscriber Line Access Multiplexer authorizes data transfer between the virtual network which allows the client to access the services of the service provider ( Figure 4A, blocks 4-004 and 4-011. Here the client's data is transferred to the service provider for the client to access the services) to which

the client is subscribed according to the communication speeds to which the client is subscribed.

21. With respect to Claim 9, Prasad teaches a method according to Claim 1, wherein an address server is also associated with the virtual authentication network (Column 19, lines 60-61, Column 20,, lines 31-34); and the address server allocates an address to the client for data transfer on the virtual authentication network. (Column 7, lines 16-18).

22. With respect to Claim 11, Prasad teaches a system for authenticating a client for access to at least one virtual network for allowing the client to access the services of at least one service provider, the or each virtual network being set up on a telecommunication network, the system comprising ;

23. means for determining the compatibility of the client with a predetermined access control protocol for access to the telecommunication network, (Column 2, lines 40-47, Column 7, lines 50-52 and Figure 2A blocks 2-001 through 2-004. Here the IP connection is established by the client after determining the compatibility);

24. authorization means for authorizing if the client is not compatible with the predetermined access control protocol, data transfer between the non-compatible

client and at least one subscription system for subscribing the client to at least one service provider via a network which is different from the virtual networks which allow a client to access the services of a service provider, (Column 2, lines 35-54. Column 18, lines 36-42. Figure 5B. Figure 7 - ISP 726. Here, when the subscription of the client is modified, the client is not compatible with the network and data is transferred to the client by the authenticated network);

25. means for transferring to the non-compatible client, if the non-compatible client subscribes to at least one service provider via the authentication network, an authentication for accessing the virtual network which allows access to the services of the service provider to which the non-compatible client is subscribed and information which makes it possible to make the client compatible with the predetermined access control protocol. (Column 5, lines 59-67, Column 6, lines 1-2. Figure 1, Block 114. Here the non compatible client is authenticated to use the services of the service provider).

26. With respect to Claim 12, Prasad teaches a computer readable medium (The Prasad apparatus is implemented by programmed computers which inherently are programmed by and further include computer readable media that store a computer program to perform the instructions discussed below) or storage device (Figure 7, block 710) carrying a computer program including instructions

for enabling a computer to carry out the authentication method according to of Claim 1. (Figure 2A- blocks 2-002 through 2-004)

27. With respect to Claim 13, Prasad teaches a Digital Subscriber Line Access Multiplexer which allows at least one client to access the services of at least one service provider, (Figure 4A, block 4-001 through 4-004); the client line multiplexer being arranged for relaying the information transmitted by the client and associated with authentication of the client to an authentication server (Figure 2B, block 2-017, Figure 4A, blocks 4-004 and 4-005. Here the information of the client is relayed to the authentication server).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prasad in view of Addington et al. (US 7,194,756).

29. With respect to Claim 10, Prasad teaches all limitations of Claim 1. However Prasad fails to teach a method according to Claim 1, wherein the

telecommunication network is a high-speed network based on Ethernet technology, and the predetermined access control protocol is a protocol of the IEEE 802.1x type, and the clients are connected to the Digital Subscriber Line Access Multiplexer via connections of the DSL type.

30. Conversely, Addington teaches such a limitation where the telecommunication network which he uses is a high speed network based on Ethernet technology, (Column 55, lines 61-67) and the predetermined access control protocol is a protocol of the IEEE 802.11b (Column 56, lines 1-4 and Figure 22, block 1556).
31. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Addington in order to have high speed wireless data access from the network to the user's computer. (Column 55, lines 61-67 and Column 56, lines 1-4).
32. With respect to Claim 14, Prasad teaches all limitations of Claim 13. However, Prasad fails to teach a Multiplexer according to Claim 13, wherein the client line multiplexer includes a software module according to the IEEE 802.1x standard for relaying the information associated with authentication.
33. Conversely, Addington teaches such a limitation where application software is present (Column 30, lines 5-6) according to the protocol which is IEEE 802.11b.

34. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Addington in order to have enhanced services such as Personal Video Recording (PVR) from the service provider and configuring the service in the host. (Column 30, lines 5-10).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLARENCE JOHN whose telephone number is (571)270-5937. The examiner can normally be reached on Mon - Fri 8:00 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CJ/  
Patent Examiner  
Art Unit 2443  
10/30/2008

/Tonia LM Dollinger/  
Supervisory Patent Examiner, Art Unit 2443